

VERMONT TOBACCO EVALUATION AND REVIEW BOARD
BOARD MEETING

Wednesday, March 11, 2009 3:00 p.m. – 5:00 p.m.

The Pavilion Building, 109 State Street, Montpelier
Governor's 4th Floor Conference Room

MINUTES

Minutes appear in italicized typeface.

Public Comment

(10 min)

No public comment.

Brian introduced and welcomed Rep. Bill Frank, Deb Quackenbush (DOE), and Karen Garbarino (VDH). Board members introduced themselves.

Approval of Minutes

(5 min)

*Brian thanked Ted for facilitating the last meeting. Discussion during that meeting addressed several important topics, including responses to the Governor's FY2010 Budget Recommendations. **TO APPROVE THE FEBRUARY BOARD MEETING MINUTES: EDNA MOTIONED, TED SECONDED. NO OBJECTIONS. MINUTES ARE APPROVED.***

Brian shared a new CDC surveillance report that provides a new estimate of deaths in Vermont due to smoking. That figure is now at 831 per year. The research also estimates that 11,432 years of life are lost because of these deaths. Vermont's smoking-related death rate per 100,000 citizens has declined by about 10%. This is slightly better than the U.S. median decline.

Legislative Updates

(20 min)

Christy provided the update.

- H46: An act relating to prohibiting lighted tobacco products outside state, county, and municipal buildings.

As discussed in February, the Board supports this bill. There has been no legislative committee activity about this bill yet.

- H111: An act relating to children's access to tobacco products.

As discussed in February, the Board supports this bill, as does VDH, DLC, and the Attorney General's Office. There has been no legislative committee activity about this bill yet. Rep. Bill Frank will work with the Legislative Committee Chair to see that this one gets 'pulled off the wall' (discussed).

- S7 (and H118) Acts to prohibit the use of lighted tobacco products in the workplace.

There will be a vote on this bill on March 17th in the Senate. The bill has received lots of recent local media coverage. Brian shared the related article as published in the March 10th Rutland Herald.

- H167 (and S98) Acts relating to compliance testing of tobacco licensees.

The compliance testing bill was discussed at the last meeting. The Board does not support it.

- Miscellaneous Tax Bill(s).

Last week a new tax bill was introduced. H401 is an act relating to an increase in the tax rate for cigarettes, little cigars, roll-your-own tobacco, and tobacco products. Rep. Bill Frank reports that his colleague, Rep. Till has campaigned heavily on this bill. The AG's Office will support this bill. The Board generally supports tobacco tax increases. Christy asked if the Board would like to reaffirm its position and support H401 in its general intent. Edna mentioned the new federal tax. Christy said that the state tax could take effect as soon as July. What is the amount of the increase in H401? The current language is inconsistent but it appears that the bill intends to increase the tax by 50% which would be about a one dollar increase. Snuff would be increased by 50% as well, but it is still a weight based tax. Where do the revenues go? One third would go to the Catamount fund; two thirds to other healthcare spending. Brian and others generally agreed that we have already made a strong statement of support for tax increase policies in January and therefore there is no urgent need for an additional statement.

Media Committee Updates

(20 min)

Brian briefly described the Board's Committees and the role of the Media Committee.

- Current Media Campaign Overview

Yvonne Zietlow (VDH) reported that the current campaign deals with media literacy and smoking in the movies. The ovx.org website is a good example of these messages. The media campaign just started this week. There are efforts to work with theatres to run the ads before movies. The campaign also uses banner ads on general websites and social websites (e.g. Facebook). This campaign will run through mid April.

- Media Contractor Selection FY2010 (VOTE)

In compliance with the statute, the Board will select, upon advice of the Commissioner of Health, a contractor responsible for media and public education activities. The current three year contract with KSV expires this year. Yvonne provided details on the current selection process. The selection committee included Brian, Stephen, a community coalition member, several VDH staff, and the State's Chief Marketing Officer. KSV, Marketing Partners, and NL Partners

provided proposals and presentations for the committee's consideration. The selection committee unanimously recommended KSV to be the contractor. Brian passed around copies of KSV's proposal. Stephen and Brian described the participatory nature of the selection process. They agreed that KSV stood out above the rest of the bidders in terms of quality, creativity, and capacity. We have also been happy with KSV's work to date.

TED MOTIONED TO SELECT KSV AS THE CONTRACTOR FOR THE NEXT CONTRACT PERIOD. ALL IN FAVOR, NONE OPPOSED, NO ABSTENTIONS. MOTION PASSED.

VTERB Initial Response to the Governor's FY10 Budget Rec. (30 min)

In February, the Board voted to develop a memorandum that states the case for sustained funding to the TCP. It was developed quickly and sent to the House and Senate Appropriations Committees on February 18th. Stephen made sure the memo was disseminated and then provided related testimony to the House Appropriations Committee shortly thereafter.

Further Possible Responses to the Governor's FY10 Budget Rec. (30 min)

Brian reported that all of the TCP partners have been working very hard with hopes that we would see an increase in smoking cessation. RTI complimented the TCP for creating the "Your Quit, Your Way" campaign. Providing free NRT has also been a very good step toward the TCP goals. New reports indicate that the combined efforts to promote smoking cessation are having a good impact. Ted continued the discussion. At the February meeting, Ted facilitated a discussion which resulted in the creation of the February 18th memo. Two other responses to the Governor's proposed cuts were discussed as well: (1) recognize the cuts and develop line-item allocation recommendations, and (2) use Tobacco Trust Fund Dollars to support the program.

The new data on smoking cessation progress was inspiring in terms of program and media success. CDC recommends no or low cost NRT; this clearly helps reduce adult prevalence. However, NRT has been 'turned off' due to availability, although "Quit by Phone" still has some resources. The cessation program is well designed, well targeted, and evidence based. We are achieving a level of success that is worthwhile, and it is important to continue the momentum. Brian and Ted distributed language for consideration of a memo to legislators based on these points.

Members reviewed and discussed the draft language. Is federal stimulus money available for tobacco control? Karen G. said that there might be some "prevention" dollars available, but these things are still being sorted out and we probably shouldn't count on receiving these funds. Ted mentioned that we have

previously discussed using trust fund dollars for specific purposes; this would require legislative action. It would be part of the 'big bill.' The Board has a statement regarding the trust fund. What about the use of the trust fund for tobacco programs? A major disadvantage is that the trust fund may continually be used for this purpose until depleted. Christy said that we have been careful to cite the comprehensiveness of the program and it is important to include that in the language in the memo for continuity. Brian would engage Christy to address that issue in a final memo.

What reactions are these types of memos and testimony receiving? Rep. Kathy Keenan understands these issues and is supportive. We have general support from other legislators as well. We have received some positive feedback. For example, Ted reported that Sen. Lyons encouraged the Board to "keep communicating." Christy confirmed that continued follow-up is needed. Kate suggested that the language include a call to action.

Who is the audience? Rep. Bill Frank said that there could be a number of different audiences, such as the House Appropriations Committee. Some memos don't get looked at, so a good way to disseminate this proposed memo would be for Stephen or Amy to approach Rep. Keenan. She may be willing to distribute it when it is discussed in her Committee. The timing is important. Stephen will coordinate the final memorandum distribution with Rep. Keenan. Edna suggested that important points in the memo should be in color or at the top.

Does the Board endorse such a memo as discussed?

EDNA MOTIONED TO CHARGE THE BOARD CHAIR, VICE CHAIR, AND OTHERS TO DEVELOP FURTHER LANGUAGE AND ILLUSTRATIONS IN ORDER TO COMPLETE AND DISSEMINATE THE MEMO AS DISCUSSED. TED SECONDED. NONE OPPOSED. KAREN G. (VDH) ABSTAINED.

It was generally agreed that there will be plenty of time to discuss the trust fund issue in the future.

Other Business

(5 min)

- Ted mentioned his recent communication with former Board member Erica Peters. She mentioned how important this Board experience had been and expressed her appreciation.
- Edna asked about the dates for the next meeting and site visit. The next meeting will be on April 8th; the site visit will be on April 29th.
- Marcia mentioned that a liquor company recently requested introducing a new product in Vermont. One of the marketing photos showed someone smoking. DLC mentioned that the ad would not be acceptable.
- Kate shared the latest tobacco products and big tobacco marketing campaigns. Newer products like nico-gel, strips, orbs, and sticks are being

test-marketed. 'Snus' is now being sold in Vermont. Various applicable laws were discussed. Products taxed by weight are a problem; perhaps they could tax them another way, for example by quantity or nicotine levels. 'E-Cigarettes' are available as well. Ted reports that pending federal legislation regarding FDA regulation could potentially give that agency more control over such products.

Meeting adjourned at: 4:35

Minutes submitted by: Stephen Morabito

Minutes reviewed by: Brian Flynn